

REMARKS

In response to the Office Action dated December 13, 2006, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

INFORMATION DISCLOSURE STATEMENT

On August 23, 2002, an Information Disclosure Statement was filed, citing two foreign patent references and three non-patent literature references. The Office Action dated July 30, 2003 included a copy of Form PTO-1449 submitted with the Information Disclosure Statement. On that form, the Examiner initialed the citations of the three non-patent literature references to indicate that they had been considered, but did not provide any indication whether the two foreign patent references had been considered. Applicant's response filed December 18, 2003 pointed out the omission, and requested that the Examiner consider these references and complete Form PTO-1449. The Office Action dated December 2, 2003 did not acknowledge Applicant's request, nor include a copy of the completed form. Accordingly, Applicant repeated the request in the response filed March 2, 2004, and provided a clean copy of the form for the Examiner to complete.

To date, Applicant has not received in indication whether the Examiner has considered the two foreign patent references supplied with the Information Disclosure Statement. Applicant respectfully repeats his request that the Examiner consider these references, and provide an indication to that effect or, in the alternative, explain why the references are not being considered.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 4-6 were rejected under 35 U.S.C. § 103, on the basis of the Murray patent (U.S. Patent No. 5,944,781), in view of the Toga patent (U.S. Patent No. 6,757,711) and the Brok et al. patent (U.S. Patent No. 7,089,489). All other pending claims were rejected on the basis of these three patents, in view of additional references. For the reasons presented below, it is respectfully submitted that these references do not teach, nor otherwise suggest, the claimed subject matter.

Claim 4 recites a method for obtaining internal server data from a computer network. The first step of this method is generating at the client an HTTP path name "having an identity of a container within the server..." In rejecting the claim, the Office Action refers to the Murray patent at column 4, lines 65-67 as disclosing this claimed feature. It is respectfully submitted, however, that the Murray patent does not disclose the transmission of an HTTP path name having the identity of a *container* within the server.

At column 4, lines 65-67, the Murray patent states that the URL sent from the client to the server has the form "http://host/servlet name?method". The Office Action appears to be taking the position that the "servlet name" indicates a container. However, a servlet is not a container. Rather, as defined at column 4, lines 24-26, a servlet "is a module of executable code..." In other words, a servlet is a program. Thus, when the patent states at column 4, lines 67 that "'servlet name' identifies database 214", it is referring to a database *program*. This is apparent from the fact that the next parameter in the URL is "method". At the top of column 5, the Murray patent states that this parameter identifies a particular storage or retrieval *operation* to be invoked. Thus, the URL disclosed in the Murray patent consists of a particular

server, a program executing on that server, namely the servlet, and a specific method, or operation, to be performed by that program. The patent does not disclose that the URL identifies a container of the server, as that term is employed within the context of the claimed invention.

Claim 4 recites that the container, identified in the HTTP path name, contains administrative data about the server. The Office Action acknowledges that the Murray patent does not disclose this subject matter, and refers to the Toga patent, particularly the response header 310 described at column 4, lines 25-30. This portion of the patent discloses that a response message sent from a server to a client includes a header having a status code that indicates the status of a connection between the server and the client. From the Office Action, it appears that this status code is being interpreted as administrative data.

Even under such an interpretation, it is respectfully submitted that the disclosure of the Toga patent does not suggest the claimed subject matter. Claim 4 recites that administrative data is contained within a container of the server. The Office Action does not identify any relationship between the status code in a response message sent to a client and a container on the server. Since the function of the status code is to indicate the status of the connection between the server and the client, it appears that this code is dynamically generated in real time as the response message is being sent. There is no suggestion that this status code is stored within a container on the server. More particularly, there is no suggestion that such information is stored in a container that is identified in an HTTP path name that is received from the client.

It is respectfully submitted that, even if the status code in the response message of the Toga patent is interpreted to be administrative data, per se, that "administrative data" does not bear any relationship to the claimed subject matter. Accordingly, any reasonable application of the teachings of the Toga patent to the system of the Murray patent does not lead a person of ordinary skill in the art to the claimed subject matter.

Claim 4 recites the further step of determining, at the server, whether the HTTP path name received from the client includes the identity of the container of the server. In connection with this claimed subject matter, the Office Action refers to the Brok patent, particularly at column 5, lines 25-28. This portion of the patent states that a web server uses the path name portion of an address "to locate the requested document" (emphasis added). It is respectfully submitted that this disclosure is not the same as the claimed subject matter. The Brok patent merely discloses that the information contained within the path name includes the location of a particular document. There is no disclosure that the web server operates to determine "whether" a received HTTP path name includes the identity of a particular container. In other words, the Brok patent does not disclose that the web server looks to see if certain information is present within a received address. Rather, the underlying assumption of the Brok patent is that a received address always includes the path name to the requested document, and the web server simply proceeds to locate that document, on the basis of the information in the path name. Hence, there is no disclosure that the server functions to determine whether a particular container is identified in a received HTTP path name; it only determines what path has been specified.

In view of the foregoing, it is respectfully submitted that the cited references do not disclose all of the elements recited in claim 4. The Murray patent does not disclose an HTTP path name having the identity of a container, as alleged in the Office Action. The Toga patent does not disclose administrative data that is contained within a container of the server. The Brok patent does not disclose that the server determines "whether" an HTTP path name includes the identity of a particular container. Consequently, any logical combination of the teachings of these three references cannot result in the claimed subject matter. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 7 depends from claim 4, and recites that the server transmits an HTML page "if a container is not identified within the HTTP path name." The Office Action acknowledges that the Murray, Toga and Brok patents do not disclose this feature, and refers to the Dillingham patent at column 7, lines 61-63. It is respectfully submitted that this passage does not disclose the claimed subject matter.

Specifically, the cited portion of the Dillingham patent discloses that the file system determines whether the path in a received query string is a real path within its physical directories. If not, the file system server returns an error message. In contrast, claim 7 recites that the server transmits an HTML page. There is no reference to an HTML page in the cited passage of the Dillingham patent.

More significantly, the error message that is transmitted in the Dillingham patent does not result from the same condition that is recited in claim 7. Specifically, claim 7 recites that the HTML page is transmitted "if a container is not identified within the HTTP path name." In other words, if the identification of the container that contains the administrative data is not present in the path name, the HTML page is

sent. In contrast, the server of the Dillingham patent makes a different kind of determination, namely whether the specified path exists in the physical directory. It is not concerned with whether the path name specifies a particular container, it is only concerned with whether that path name is real, or not.

Accordingly, it is respectfully submitted that the Dillingham patent does not disclose the subject matter recited in claim 7.

Claim 8 recites that the administrative data is a snapshot of prescribed values, and claim 9 recites that this snapshot is generated at a particular point in time. In rejecting these claims, the Office Action refers to the Nori et al. patent, with particular reference to column 6, lines 60-63. It is respectfully submitted that this disclosure does not relate to the claimed subject matter.

Specifically, claim 8 recites that the *administrative data* is a snapshot of prescribed values. The Nori patent's disclosure of a "snapshot-id" does not pertain to administrative data. Specifically, it does not pertain to the status code of the header in a response message, as disclosed in the Toga patent, which was interpreted to be the administrative data in the rejection of parent claim 4. The Nori patent's disclosure pertains to something entirely different, namely a particular version of a large object in a database. It has no relationship to administrative data of a server.

Accordingly, it is respectfully submitted that the Nori patent does not suggest the subject matter of claims 8, 9, 15 or 16. Nor has the Office Action identified any relationship between the cited passage of the Nori patent and the disclosures of any of the other references applied in the rejection. As such, it does establish any motivation for combining the disclosures of these references.

For at least the foregoing reasons, it is respectfully submitted that the subject matter of the rejected claims is neither disclosed, nor otherwise suggested, by the cited references, whether they are considered individually or in combination. Reconsideration and withdrawal of the rejections is respectfully requested.


For at least these same reasons, it is respectfully submitted that newly added claims 21-26 are likewise patentably distinct from the references. Allowance of all pending claims is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 13, 2007

By:



James A. LaBarre
Registration No. 28632

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620